

**EXHIBIT D**  
**EMAIL COMMUNICATION**  
**DATED 2/21/2007**

**From:** Roger Townsend  
**To:** bob@ijusticelaw.com; Derek Newman  
**Date:** 2/21/2007 8:14 AM  
**Subject:** Re: Virtumundo Case -- Stipulation re Mediation 2007-02-20.pdf

**CC:** Roger M. Townsend

Derek & Bob:

Have you had the opportunity to discuss depositions of the newly disclosed witnesses in Plaintiffs' recent filings (i.e., Omni's customers & the expert witness)? We need to coordinate those as soon as possible.

Thanks,

Roger

>>> On 2/21/2007 at 7:52 AM, Derek Newman <[DN@newmanlaw.com](mailto:DN@newmanlaw.com)> wrote:  
Bob,

I appreciate your suggestion about how all parties can save (or at least defer) costs and fees, but our clients decline to accept the proposal. We feel a stay could prejudice our client's ability to prepare for trial.

Please file the stipulation re mediation.

Thank you.

-Derek

-----Original Message-----

From: "Bob Siegel" <[Bob@iJusticelaw.com](mailto:Bob@iJusticelaw.com)>  
To: Derek Newman <[dn@newmanlaw.com](mailto:dn@newmanlaw.com)>  
CC: Roger Townsend <[roger@newmanlaw.com](mailto:roger@newmanlaw.com)>  
Creation Date: 2/21 7:49 am  
Subject: RE: Virtumundo Case -- Stipulation re Mediation 2007-02-20.pdf

Gentlemen,

This Stipulation looks good, however, I will reiterate what I raised with Derek. That is, we believe it would be in the interests of all to stay all litigation pending these decisions. That would further put the onus on the Court to decide the motions. If you are amenable to such a Stipulation, please revise this one accordingly. Otherwise, this one is acceptable.

Sincerely,

Bob Siegel

---

From: Derek Newman [<mailto:dn@newmanlaw.com>]  
Sent: Tuesday, February 20, 2007 7:09 PM  
To: Bob Siegel  
Cc: Roger Townsend  
Subject: Virtumundo Case -- Stipulation re Mediation 2007-02-20.pdf

Bob,

Attached, please find a stipulation requesting the court stay the mediation deadline pending the outcome of our cross-motions for summary judgment.

If you approve, please fill in the date and file it. If you do not approve, please call Roger with your comments.

Thank you.

-Derek

NEWMAN & NEWMAN, ATTORNEYS AT LAW, LLP

Seattle

505 Fifth Avenue South, Suite 610 \* Seattle, Washington 98104

(206) 274-2800 Seattle phone \* (206) 274-2801 Seattle fax

Los Angeles

1801 Century Park East, Suite 2400 \* Los Angeles, California 90067

(310) 385-5955 Los Angeles phone \* (310) 385-5956 Los Angeles fax

(206) 274-2828 Direct Dial

<http://www.newmanlaw.com> ( <http://www.newmanlaw.com/> ) <<http://www.newmanlaw.com/>>